

REMARKS

I. INTRODUCTION

Claims 1-11 have been amended. Claim 12 has been added. No new matter has been added. Support for these amendments can be found at least at ¶ [0022] of the published specification. Thus, claims 1-12 are now pending in the present application. In light of the above amendments and the following remarks, Applicants respectfully submit that all presently pending claims are allowable.

II. THE 35 U.S.C. § 102(b) REJECTION SHOULD BE WITHDRAWN

Claims 1-7 and 9-11 stand rejected under 35 U.S.C. §102(b) for being anticipated by De'Longhi.

Claim 1 has been amended and now recites “[a] beverage making device comprising a frothing member (9) for producing froth in the beverage, characterized in that the device comprises a settling chamber (11) for allowing the frothed beverage coming from the frothing member (9) to settle, and in that the outlet (14) for the settled beverage is at the lower side of the settling chamber (11), *wherein a size of the outlet is limited so as to form a restriction.*”

De'Longhi discloses a filter-holding cup (1) that comprises a dispenser (3) and filter (2). There is an opening (16) at the bottom of the cup from which the coffee exits the cup. De'Longhi teaches that the dispenser comprises a self-cleaning device (30), which comprises holes (34), and a bush (38), which comprises threads (41). The coffee exits the holes (34) and strikes the threads (41) to create froth in the coffee. The coffee is then “dispensed into the plastic bottom 45 of the cup and from here through the openings 16 into the coffee cups.” (See De'Longhi, ¶ [0039]). De'Longhi also discloses ribs (17) that “are arranged perpendicular to the flow of the drink of coffee so that said coffee, after having hit the threads 41 and having escaped through the slits 40, runs on the bottom 45 up to the opening 16.” (See *Id.*, ¶ [0044]). However, De'Longhi fails to

disclose or suggest that “*a size of the outlet is limited so as to form a restriction.*” There is no disclosure in De’Longhi whatsoever of limiting the size of opening 16. Therefore, Applicants respectfully submit that claim 1 and its dependent claims 2-7 and 9-10 are allowable over De’Longhi.

Claim 11 recites limitations substantially similar to claim 1. Thus, it is respectfully submitted that claim 11 is also allowable over De’Longhi for at least the foregoing reasons presented with regard to claim 1.

III. THE 35 U.S.C. § 103(a) REJECTION SHOULD BE WITHDRAWN

Claim 8 stands rejected under 35 U.S.C. §103(a) for being obvious with regard to De’Longhi.

As previously stated, De’Longhi fails to disclose or suggest “*a size of the outlet is limited so as to form a restriction,*” as recited in claim 1. Furthermore, there would be no basis to limit the size of opening 16 of De’Longhi because there is no indication whatsoever of the desirability or advantages of such a limitation. Because claim 8 depends on and, therefore, contains all of the limitations of claim 1, Applicants respectfully submit that claim 8 is allowable.

CONCLUSION

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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